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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,014	04/18/2000	Norbert Roma	940630-010-020	2080

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EXAMINER
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POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/551,014

Applicant(s)

ROMA, NORBERT

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached office action.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 November 2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2-7 and 9-20 have been considered but are moot in view of the new ground(s) of rejection.
3. The objection to the drawings is withdrawn in light of the amendment.
4. The art rejections are withdrawn in light of the amendment and remarks.
5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a profile representing sports (P. 14, lines 22-25)") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims as driven refer to a generic profile, rather than to a specific profile such as a vector profile (specification, P. 2, lines 1-2), and therefore may be broadly utilized as scoring against any profile, including profiles drawn to user preferences. The examiner advises the applicant to amend the claims to specify "selecting a vector profile." Alternatively, the terms "topic profile" and "classification profile" may be used.

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6. The applicant states in the remarks introduction section that claim 2 is cancelled and claim 8 is pending (P. 13, lines 1-5). This is inconsistent with the submitted claims and with further remarks (P. 14). The examiner has determined that claim 8 is cancelled and claim 2 is pending.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 2, 3, 9, 10, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Roitblat et al. (6,189,002).

9. For claims 2, 9, and 15, Roitblat teaches a method and system (abstract) of retrieving information from a data source (col. 1, line 1 – col. 2, line 50), comprising:

- a. Receiving an information request (Fig. 4, #401-403) from a communications network (col. 6, lines 41-43);
- b. Selecting a data source (col. 5, lines 55-65 and col. 9, lines 50-55);
- c. Selecting a profile (Fig. 4, #405 and col. 6, 45-50 in view of Fig. 1, #102; the semantic profile of a query selects the vector profile);

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- d. Analyzing (Fig. 1, #101-103) a reference corpus of documents (col. 3, lines 20-65) against said profile (col. 4, lines 5-55) to determine at least one document score indicative of document content relative to the profile (col. 4, line 55 – col. 5, line 55);
  - e. Scoring (Fig. 1, #104-106) at least one data source document from said selected data source against said profile (col. 5, line 63 – col. 6, line 40) to provide a document score indicative of profile content in said data source document (col. 5, lines 55-62); and
  - f. Comparing (Fig. 1, #107-109) said document score from said data source document to said at least one score from said reference corpus (col. 6, lines 10-30) to retrieve said data source document (col. 6, line 41 – col. 7, line 20); and
  - g. Transmitting (Fig. 4, #404-407) said retrieved data source document over said communications network (col. 7, lines 18-21).
10. For claims 3, 10, and 16, Roitblat teaches determining a plurality of reference corpus scores defining a plurality of delivery ratios, and determining a delivery ratio that corresponds to said document score from said data source document to select said data source document (col. 6, lines 10-30).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 4, 5, 11, 12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roitblat as applied to claims 3, 10, and 16 above, and further in view of Kramer et al. (6,327,574).

13. For claims 4, 5, 11, 12, 17, and 18, Roitblat does not expressly disclose that said delivery ratios correspond to said reference corpus scores according to an exponential decay function, but does allow for the usage of alternative, well known statistical techniques for the normalization of vectors and scoring systems (col. 7, lines 25-27; col. 8, lines 11-16 and 48-55). Kramer teaches a method and system (abstract) of comparing documents to topic profiles to determine closeness to topic (col. 1, line 1 – col. 3, line 60) by utilizing an exponential decay function scoring system (col. 30, lines 8-10). At the time the invention was made, one of ordinary skill in the art would have added Kramer techniques in order to increase document updating (col. 3, lines 34-37).

14. Claims 6, 7, 13, 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roitblat as applied to claims 3, 10, and 16 above, and further in view of the Nature Article (Diameter of the World Wide Web).

15. For claims 6, 7, 13, 14, 19, and 20, Roitblat does not expressly disclose that said delivery ratios correspond to said reference corpus scores according to a power law function, but does allow for the usage of alternative, well known statistical techniques for the normalization of vectors and scoring systems (col. 7, lines 25-27; col. 8, lines 11-16 and 48-55). Roitblat also describes the usage of Zipf's law, which is known by one of ordinary skill in the art as related to power law methods (col. 5, lines 8-14). The Nature Article describes the usage of power-law functions in document analysis. At the time the invention was made, one of ordinary skill in the

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art would have added the Nature Article to Roitblat in order to determine the improve searching methods and document spread understanding.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They disclose further searching techniques and information regarding document evaluation algorithms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP  
27 January 2006

  
**JASON CARDONE**  
**SUPERVISORY PATENT EXAMINER**